

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

TERRY D. ALTMAN,

Plaintiff,

v.

MASSACHUSETTS MUTUAL LIFE  
INSURANCE COMPANY,

Defendant.

Case No. 24-11700

**MASSACHUSETTS MUTUAL LIFE INSURANCE COMPANY’S  
NOTICE OF REMOVAL**

PLEASE TAKE NOTICE that Defendant Massachusetts Mutual Life Insurance Company (“MassMutual”) hereby removes the above-entitled action from the State of Michigan Circuit Court for the County of Saint Clair to the United States District Court for the Eastern District of Michigan. Removal is warranted under 28 U.S.C. §§ 1332(a), 1441, and 1446.

**I. THE REMOVED CASE**

1. On May 31, 2024, Plaintiff Terry D. Altman filed a complaint in the State of Michigan Circuit Court, Saint Clair County, captioned *Terry D. Altman v. Massachusetts Mutual Life Insurance Company*, Case No. 24-001151-NZ. True and accurate copies of all state court pleadings and filings, including the Summons, Complaint, and CSC Notice of Service of Process are attached hereto as **Exhibit A**.

2. In the Complaint, Plaintiff asserts a breach of contract claim and a claim for declaratory judgment relating to a disability income insurance policy. *See* Ex. A, Complaint ¶¶ 4-27.

3. This action has not been previously removed to federal court.

## **II. JURISDICTION EXISTS TO REMOVE THE ACTION**

4. Any civil action brought in a State court where the district courts of the United States have original jurisdiction may be removed by the defendant to the district court of the United States for the district and division where the action is pending. *See* 28 U.S.C. § 1441.

5. Because the present action is between citizens of different states and the amount in controversy exceeds \$75,000 exclusive of interest and costs, this Court has original subject matter jurisdiction pursuant to 28 U.S.C. § 1332(a).

### **A. There Is Complete Diversity of Citizenship Between the Parties.**

6. Upon information and belief, Plaintiff resides in and is a citizen of the State of Michigan. *See* Ex. A., Complaint ¶ 1.

7. Defendant MassMutual is an insurance company corporation organized and existing under the laws of the Commonwealth of Massachusetts with its principal place of business in Springfield, Massachusetts. A true and accurate copy of MassMutual's Business Entity Summary from the Massachusetts Secretary of State webpage is attached as **Exhibit B**. Accordingly, MassMutual is a citizen of

the State of Massachusetts.

**B. The Amount in Controversy Requirement is Satisfied.**

8. In the Complaint, Plaintiff asserts claims for breach of contract and declaratory judgment arising out of the automatic expiration of an individual disability insurance policy. *See* Ex. A, Complaint ¶¶ 3, 4-19, 20-24, 25-27.

9. Plaintiff alleges that MassMutual breached the terms of the policy by failing to pay benefits of \$5,400 per month since August 2019. The amount in controversy relating to Plaintiff's claim for past due benefits is approximately \$313,200. *See id.* ¶¶ 23-24.

10. In addition, Plaintiff seeks a declaration that the policy should be reinstated and that MassMutual should be ordered to pay Plaintiff monthly benefits of \$5,400 for life. *See id.* ¶ 27.

11. The amount in controversy therefore exceeds \$75,000.

12. Accordingly, this Court has subject matter jurisdiction under 28 U.S.C. § 1332(a) because there is complete diversity between Plaintiff and MassMutual and the amount in controversy exceeds \$75,000, exclusive of interest and costs.

**III. VENUE**

13. Venue is proper pursuant to 28 U.S.C. §§ 1391 and 1441(a), because this Court is in the United States District Court for the district and division embracing the place where the state court action is pending.

#### **IV. TIMELINESS OF REMOVAL**

14. MassMutual received a copy of the Summons and Complaint on June 6, 2024. Ex. A.

15. Pursuant to 28 U.S.C. § 1446(b), the Notice of Removal is timely because MassMutual removed this action within thirty (30) days of receipt of the Summons and Complaint. *See Murphy Bros., Inc. v. Michetti Pipe Stringing, Inc.*, 526 U.S. 344, 347–48 (1999).

#### **V. NOTICE TO PLAINTIFF AND STATE COURT**

16. Pursuant to 28 U.S.C. § 1446(d), MassMutual will promptly provide written notice of the filing of this Notice of Removal to Plaintiff and shall file a copy of this Notice along with a State Notice of Filing of Notice of Removal with the Clerk for the Circuit Court for Saint Clair County, Michigan, where this action is currently pending.

#### **VI. NON-WAIVER OF DEFENSES**

17. By removing this action, MassMutual does not waive any defenses it may have to this action.

#### **VII. CONCLUSION**

18. Because this matter is removable pursuant to 28 U.S.C. §§ 1332(a), 1441, and 1446, MassMutual hereby removes this action from the State of Michigan Circuit Court for Saint Clair County to the United States District Court for the

Eastern District of Michigan and respectfully requests that this Court proceed with the matter as if it had been filed originally herein.

Dated: July 1, 2024

Respectfully submitted,

/s/ Kelly A. Petrocelli

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*Attorney for Defendant Massachusetts*

*Mutual Life Insurance Company*

**CERTIFICATE OF SERVICE**

I, Kelly A. Petrocelli, hereby certify that, on July 1, 2024, I caused a true and correct copy of Massachusetts Mutual Life Insurance Company's Notice of Removal to be served on the following parties by electronically filing the same through Pacer and via e-mail as follows:

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*Attorney for Plaintiff*

/s/ Kelly A. Petrocelli